

JAN-19-2005 WED 04:21 PM LACASSE AND ASSOCIATES

FAX NO. 7038387684

P. 06

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In the Drawings:

None

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ARC920010020US1
09/844,916REMARKS

This amendment is in response to the Examiner's Office Action dated 7/20/2004. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-22 are pending.

Claims 1-22 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with written description requirement.

Claims 1, 5-9 and 13-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa (USP 5,812,863).

Claims 2-4 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of Hon et al. (USP 6,490,563).

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention is a computer-based program using sound pattern feedback to aid in the completion or correction of typographic and/or formatting events. Upon recognition of a correlation, or "event," a sound pattern is selected by the program to indicate to the user that a particular correlation has been found or that an event has occurred. Since a different sound pattern is applied to each recognized correlation/event, the user can distinguish and recognize the exact correlation or event noted by the system, allowing the user to decide to disrupt work or continue without interruption. The program can also make a suggestion such as

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an automatic entry or another suggestion such as a correction that can be optionally selected by a user for substitution of the data being input based upon the correlation or event.

Specifically, the presently claimed invention assists in proper data entry formatting (such as in web addresses, URLs, e-mail addresses, and phone numbers) and the completion of forms and documents (such as in billing or ordering forms). Upon identification of these or other data input that is identified to correlate with pre-stored information, a specific sound pattern is chosen and reproduced to a user to indicate the correlation. For example, the program may relate a sound pattern of three audible chimes to the completion of a user's address and phone number in an ordering form. As the user begins to input data into the form, the program recognizes and develops a correlation between the data being input and the pre-stored data. Therefore, the processing element chooses the sound pattern of the three audible chimes and reproduces the chimes through the sound device to indicate to the user that the pre-stored information is available should the user choose to select the information for substitution.

The Ishikawa reference used in the rejections as a prior art example does not disclose the use of sound pattern feedback upon recognition of any of the above correlations or events.

In the Claims

The examiner's rejections under 103(a) were addressed in Applicant's appeal brief filed 06/23/2004. The examiner states on page 2 of his rejection that the arguments presented in the appeal brief are "persuasive." However, it appears that the examiner has provided the same rejection using the same references (Ishikawa and Hon), and does not provide a clear reason for the rejection. The previously noted arguments for the 103(a) rejection are provided below for the examiner's convenience. The only new rejection appears to be under 35 USC 112, for which arguments (against the rejection) are provided below.

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ARC920010020US1
09/844,916REJECTIONS UNDER 35 U.S.C. § 112, first paragraph

Claims 1-22 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with written description requirement.

The examiner states on page 2 of his rejection that the claims fail “to comply with the written description requirement” and that the claims contain “subject matter which is not described in the specification.” He also states that claims 1 and 9 of the present invention claim “a sound source for reproducing a specific sound pattern,” and that claim 16 claims the use of “producing said selected sound pattern through a sound source.” However, the examiner provides a contradictory argument on page 2 stating that “it is unclear” to one having ordinary skill in the art to know the “reproduction of a sound source” and on page 3 that the “specification does not provide the use of reproducing a sound source.” It appears that the examiner has misread and misunderstood the claims of the present invention. The examiner has provided an erroneous argument in that the present invention does not reproduce nor does it provide for the reproduction of a sound source. Rather, the present invention *reproduces a selected sound pattern*. For example, on page 8 of the specification of the present invention in lines 11-15, it describes the method of “selecting a sound pattern 112, [and] providing the selected sound pattern to the user 114” when an error is detected in a program. Also, figure 7 of the present invention illustrates an example of a computer-based system (element 700) having a sound source (element 708) for reproducing the selected sound pattern.

The applicant has provided page 7, lines 1-15 of the specification as support for “the use of input events.” The examiner states on page 3 that “there is no input event mentioned in the portion cited by the applicant.” However, upon closer reading, it is stated in the specification in

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these lines that "typically inputs are typed characters from a keyboard, but other computer-based inputs may be substituted without departing from the scope of the present invention." The examiner is asked to reread the specification in light of the above. Also, in addition to "typed characters," the specification supports examples of recognizing different types of input with reference to figures 2-6. Examples include page 8, lines 12-18: "input is then checked for possible errors....errors typically involve single word formatting or analysis using rule based systems for a small number of words. Such rule systems include, but are not limited to, those capable of detecting formatting errors or improper use of a template entry area;" and page 9, lines 13-21: "the inputted information is then stored into temporary memory 204. The program analyzes whether input data 202 is a character 206." The specification supports the use of "input events" throughout the specification. The examiner's argument, therefore, is deemed null and void, and an amendment to the specification is not needed.

REJECTIONS UNDER 35 U.S.C. § 103(a)

To establish a *prima facie* case of obviousness under U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Applicant contends, as will be seen from the arguments below, that the Examiner, based

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on the office action of 12/3/2003, has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103 (a).

As stated above, the following was previously noted in the appeal brief filed 06/23/2004, and is therefore provided for the examiner's convenience.

Claims 1, 5-9 and 13-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa (USP 5,812,863).

It is believed that the applicant's main argument obviates even the minimum basis for a proper rejection under 35 U.S.C. § 103. Applicant's representative presented the argument (amendment dated 9/17/2003) that the main reference Ishikawa fails to disclose or even suggest the claimed reproduction of a specific sound pattern through a sound source. This is explicitly claimed in all claims. The primary reference (Ishikawa) does not provide, suggest, or even have the basic need for this claimed function. Not only does Ishikawa not suggest this claimed feature, there would have been no motivation to have looked to modify Ishikawa, as Ishikawa's invention has no sound source. Rather, Ishikawa is a mistaken word processing apparatus that is used to consider misspellings caused by the use of different phonetic (not audible) sounds used to pronounce the same character in a different language. It recognizes the existence of a sound which can not easily be recognized by someone whose mother tongue is different than the language used in preparing a document (see Ishikawa, column 8, lines 52-65). It also recognizes different sounds used to pronounce the same phonogram in the mother tongue of the operator. Ishikawa can then notify the user of a detected word that may be spelled incorrectly.

It is important to recognize that the Ishikawa reference uses the term "sound" to mean a "phonetic" pronunciation or recognized pattern and not an audible indication (something heard by the user) of an event as in the present invention. Thus, the examiner's interpretation of the

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Ishikawa reference does not encourage or make obvious the use of the present invention to audibly notify the user of an event.

On page 4 of his argument, the examiner explicitly states that Ishikawa does not disclose the use wherein "upon recognition of a correlation, said processing element selects a specific sound pattern representative of said event" and "a sound source reproducing said specific sound pattern" as stated in the claims. Knowing such, the examiner continues to correlate the word "sound" used in Ishikawa with the term "sound" used throughout the claims of the present invention to represent an audible tone that is produced from a sound device. Rather, the term "sound" as used in Ishikawa is a phonetic pronunciation or pattern of a word that is created while speaking (see column 4, lines 21-25 and lines 53-67; column 5, lines 1-4). The examiner reinforces this argument on page 4 of the rejection, stating that Ishikawa discloses the use wherein "of at least one of those causes of misspelling which are the difficulty in recognizing and distinguishing due to the difference between the mother tongue and the language used in preparing the document." Furthermore, the examiner also states that Ishikawa discusses sounds used "to pronounce the same phonogram or different phonograms used to indicate the sound in the language used to prepare the document." The examiner states that the use of selecting a specific sound pattern and reproducing the specific sound is implied and therefore would have been obvious. However, the reproduction of an "audible sound" or pattern to alert a user during the use of a program is not provided nor suggested. Ishikawa also does not provide nor suggest the use of any audible sound device. The applicant specifically directs the examiner to figures 1-16B in Ishikawa where no audible output is shown, and the corresponding specification where no audible output is described or suggested. Additionally, the examiner points to figure 4 of Ishikawa, on page 5, as incorporating the recognition of a correlation to produce a sound. In fact, however, figure 4 shows an example of bit sequences that correspond to British, American,

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Canadian, Scottish, Irish, etc. usage for corresponding to "standard words" (see Ishikawa, column 9, lines 9-17). Therefore, Ishikawa can not provide the "sound" output as required by the claims, nor could it have been obvious to have modified Ishikawa to produce the "sound" using a sound device. Further, Ishikawa does not assist in reproducing particularly chosen patterns for sound pattern feedback that assist in proper data entry formatting or the completion of forms and documents. Thus the rejections and arguments on each of the independent and dependent claims are null and void for the same argument as above.

In addition to the above, on pages 10-11 (labeled as pages 2-3) of his rejection the examiner states that the applicant misread the applied reference. The examiner states on page 10 that the "assertions that the applicant relied upon are not stated in any independent claims 19, 16, and 21" and that the "assertions are just mere allegation with no supported fact." It is requested that the examiner read claims 16, 19, and 21 of the present invention. Claim 16 states "producing said selected sound pattern through a sound source." Claim 19 is dependent upon claim 16. Claim 21 also states "producing said selected sound pattern through a sound source." Each of these claims clearly states the use of a sound source and therefore is supported by the provided arguments. It is also requested that the examiner read the specification and look at figure 7. Figure 7 clearly shows a sound source (element 708). The use of a sound source is therefore supported and not mere allegation. It appears that the examiner does not comprehend the use of "sound" in the present invention. The Ishikawa reference does not and can not provide the reproduced sound patterns of the present invention, as there is no sound source in Ishikawa. No audible sound is disclosed in the Ishikawa reference as stated by the examiner on page 11 of his argument. Therefore, it should be noted that the examiner has provided erroneous arguments and has misinterpreted the claims of the present invention.

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Claims 2-4 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of Hon et al. (USP 6,490,563).

The secondary reference Hon was added to show support for recognizing and addressing rules based logic. Hon, in combination with Ishikawa, does not, however, provide the advantages achieved by the present invention, as suggested by the examiner. As previously mentioned, Ishikawa does not explicitly disclose or suggest the use of a sound pattern feedback device or the use of a sound device. Further, as noted by the examiner on page 7 of his argument, Ishikawa does not explicitly disclose the use of rules-based logic comprising one or more of: language formatting, syntactical and grammatical rules, or punctuation rules. While Hon converts input text into an audio signal to play when detected, Hon does not provide the advantage of selecting a specific sound pattern for a specific correlation or event so that a user may identify the specific correlation or event. In addition, Hon does not specifically provide the advantage of the present invention of particularly identifying a specific correlation or event with a specific sound pattern. Again, this is explicitly claimed throughout the claims.

The examiner states, on page 7, that it would be obvious to modify Ishikawa (as in figure 4) to incorporate the rules based logic of Hon. However, there is no motivation to do so, as Ishikawa does not utilize a sound device or the selection of a specific sound pattern feedback.

SUMMARY

Applicant contends that the examiner has failed to clearly identify specific limitations of each and every claim that is rejected as per M.P.E.P. guidelines as per §1.104(c)(2) of Title 37 of the Code of Federal Regulations and section 707 of the M.P.E.P., which explicitly states that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Further, Ishikawa does

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not individually or in combination explicitly disclose that, wherein upon recognition of a correlation, the processing element selects a specific sound pattern representative of said event, and a sound source that is used to reproduce the specific sound pattern. More specifically, the use of any type of audible sound or sound device is not disclosed in Ishikawa. Further, there is no suggestion or motivation provided within Ishikawa to modify the program design to select a sound pattern for feedback to a user using a sound device, as provided by applicant's claimed invention.

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This Amendment is being filed with an Extension of Time for three months. The Commissioner is hereby authorized to charge the extension fee, as well as any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,



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